



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



264496

JAN 28 2003

REPLY TO THE ATTENTION OF

SM-4J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Cert. Mail # 7099 3400 0000 9584 7344

James D. Brusslan
Attorney at Law
150 North Wacker Drive, Suite 3000
Chicago, Illinois 60606

Re: Freedom of Information Act
Request Identification Number: 05-RIN-00430-03

Dear Mr. Brusslan:

This letter serves as the United States Environmental Protection Agency's (U.S. EPA) response to your Freedom of Information Act (FOIA) request dated December 19, 2002, concerning the Special Notice Letter dated October 17, 2002, for the Ellsworth Industrial Park Site in DuPage County, Illinois.

It has been determined that under Exemption 7(a) at 5 U.S.C. § 552(b)(7)(a), the release of this information at this time could reasonably be expected to interfere with ongoing U.S. EPA enforcement proceedings. As Exemption 7(a) precludes the release of this requested information, it is not necessary for me to determine, at this time, the applicability of other FOIA exemptions to this material. Hence, U.S. EPA reserves the right to assert any other applicable exemption to this information in the event Exemption 7(a) is no longer applicable. Please refer to the enclosure for the document being withheld. This document has been reviewed pursuant to the discretionary release standard.

You may appeal this denial by submitting a written appeal to the Freedom of Information Office, United States Environmental Protection Agency, 1200 Pennsylvania Avenue, NW (2822T), Washington, D.C. 20460, within thirty calendar days of this letter. If you appeal this denial, please state your reason for doing so. Your appeal should reference the above Request Identification Number, the date of this determination, my name, title and address.

There is no charge for the processing of your request since the total fee did not exceed the minimum of \$14.01.

Should you have questions, please contact Shirley Smith at (312) 353-9173. All other matters should be directed to Dr. Carolyn D. Bohlen, Chief, Documents Management Section, at (312) 886-6541.

Sincerely,

WEM
11/10

William E. Munoz, Director
Superfund Division

Enclosure

bcc: Region 5 FOIA Office, MRI-9J
T. Krueger, ORC, C-14J
FOIA File

Enclosure

DOCUMENT WITHHELD
ELLSWORTH INDUSTRIAL PARK SITE
DU PAGE COUNTY ILLINOIS

<u>Document</u>	<u>Date</u>	<u>Pages</u>	<u>Exemption</u>
Special Notice Letter	10/11/02	12	Exemption 7(a). 5 U.S.C. § 552(b)(7)(a) release could interfere with enforcement proceedings